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| EXAMINER |
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REDMAN, JERRY E

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3634

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

Application Number: 09/931,489
Filing Date: August 21, 2001
Appellant(s): MERSCH, GERHARD

JAN 22 2007

GROUP 3600

Mr. David Gaskey
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/16/2005 appealing from the Office action mailed 5/5/2004 and 11/23/2005. Furthermore, the applicant has filed an

information disclosure statement dated 11/22/2005 which has been considered and a copy is herein attached.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

U.S. patent No. 6,185,872 to Seeberger et al.; and
U.S. patent No. 4,471,251 to Yamashita.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 7-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent to Seeberger et al. (6,185,872) in view of Yamashita (4,471,251).

Seeberger ('872) disclose a door module comprising an apparatus and method of assembling a system carrier (3) in the form of a plate having a seal (column 4, line 45), a window lifter unit (1) supported on the system carrier (3), an electric drive unit (9) associated with the window lifter unit (1), control electronics (8, and/or any portion on the motor/electric drive unit which transmits the electrical portions), and a housing (the

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indentation in panel (3) and the lip there around) that contains at least the electric drive unit (9) and supports the control electronics (8, and/or any portion of the motor/electric drive unit). Seeberger et al. ('872) further discloses a window lifter unit having guide members (11a and 11b) that are driven by the electric drive unit (9) and cables are connected to drivers (10a and 10b) and are further connected to the drive unit (9) via element (13). Seeberger et al. ('872) fails to disclose a first portion, which encloses the control electronics (note: although element 5a of Seeberger et al. could be inherently considered a first portion which encloses the control electronics). Yamashita ('251) discloses a door module assembly having a cavity and cover/first portion (11) with fasteners/locking portions, which contains the electrical, drive motor and control electronics. It would have been obvious to one of ordinary skill in the art at the time of the invention to enclose the drive unit and electronics of Seeberger et al. ('872) with a first portion/cover as taught by Yamashita ('251) since this would further prevent moisture from contacting the motor and the electronics.

(10) Response to Argument

A. The appellant argues that Seeberger et al. ('872) fail to define motivation because Seeberger et al. addresses a dry side and that there is no motivation to enclose the drive unit. It appears that the applicant's arguments are more limiting than that of the claims since the appellant fails to positively recite wet and dry spaces/sides of the door module. Furthermore, Seeberger et al. does address this concern by forming a seal (column 4, line 45) about the plate thereby forming a dry environment.

B. Seeberger et al. clearly discloses plug in contacts as does all modern day electric drive motor units and all of these are engaged (directly or indirectly) to a system carrier and/or a housing portion.

C. The appellant argues that Seeberger et al. fail to disclose electrically conductive elements that are electrically coupled when the housing is secured. This argument is not readily understood by the Examiner since Seeberger et al. clearly disclose the electrically conductive elements coupled when the housing is secured as discussed in detail above.

D. The appellant further argues that the control electronics are not completely enclosed. Firstly, both Seeberger et al. and the combination of Seeberger et al. in view of Yamashita completely encloses the control electronics when assembled. Secondly, since the applicant has failed to further limit the "control electronics", broadly recited, control electronics can easily be the plug connectors and/or any electrical connection.

(11) Related Proceedings Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.


If the appellant does elect to request a oral hearing, the Examiner requests the opportunity to be present and present arguments.

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Because of the arguments discussed in detail above, the Examiner Requests
that the rejection be sustained.

Any inquiry concerning this communication should be directed to Jerry Redman
at telephone number 571-272-6835.

Jerry Redman


Jerry Redman
Primary Examiner

Mr. Richard Chilcot



Mr. Pete Cuomo

